



Attorney Docket No.: 407T-895120US  
Client Reference No.: 1998-013-2

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **THERAPEUTIC MONOCLONAL ANTIBODIES THAT NEUTRALIZE BOTULINUM NEUROTOXINS** the specification of which    is attached hereto or x was filed on August 1, 2003 as Application No. 10/632,706, and was amended on                      (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

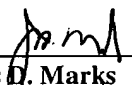

Application No.	Filing Date
60/400,721	August 1, 2002

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/144,886	August 31, 1998	Pending

Full Name of Inventor 1:	Full Name: <b>James D. Marks</b>		
Residence & Citizenship:	City: <b>Kensington</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>107 Ardmore Road Kensington, CA 94707</b>		
Full Name of Inventor 2:	Full Name: <b>Peter Amersdorfer</b>		
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>3802 Mykonos Lane #23 San Diego, CA 92130</b>		



I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2
 <b>James D. Marks</b>	 <b>Peter Amersdorfer</b>
Date <b>3/4/04</b>	Date

declaration

Full Name of Inventor 1:	Full Name: <b>James D. Marks</b>		
Residence & Citizenship:	City: <b>Kensington</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>107 Ardmore Road Kensington, CA 94707</b>		
Full Name of Inventor 2:	Full Name: <b>Peter Amersdorfer</b>		
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>3802 Mykonos Lane #23 San Diego, CA 92130</b>		

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Signature of Inventor 1	Signature of Inventor 2
	
<b>James D. Marks</b>	<b>Peter Amersdorfer</b>
Date	Date <b>12-11-2003</b>

declaration

## ASSIGNMENT

U.C. Case No. 1998-013-2  
Attorney Docket No. 407T-895120US

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. James D. Marks      2. Peter Amersdorfer

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, Twelfth Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

TITLE: THERAPEUTIC MONOCLONAL ANTIBODIES THAT NEUTRALIZE BOTULINUM NEUROTOXINS

and which is found in

- (a) \_\_\_\_\_ U.S. provisional application filed herewith and listing the above named persons as inventors  
(b) \_\_\_\_\_ U.S. patent application filed herewith and listing the above named persons as inventors  
(c) X U.S. application serial no. 10/632,706, filed on August 1, 2003  
(d) \_\_\_\_\_ U.S. Patent No.: , issued

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

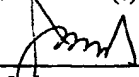
AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

1<sup>st</sup> day of March, 2004

\_\_\_\_ day of \_\_\_\_\_, 2003

Signature of Inventor(s)

  
James D. Marks

\_\_\_\_\_  
Peter Amersdorfer

## ASSIGNMENT

U.C. Case No. 1998-013-2  
Attorney Docket No. 407T-895120US

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1. James D. Marks      2. Peter Amersdorfer

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, Twelfth Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

TITLE: THERAPEUTIC MONOCLONAL ANTIBODIES THAT NEUTRALIZE BOTULINUM NEUROTOXINS

and which is found in

- (a) \_\_\_\_\_ U.S. provisional application filed herewith and listing the above named persons as inventors  
(b) \_\_\_\_\_ U.S. patent application filed herewith and listing the above named persons as inventors  
(c) X U.S. application serial no. 10/632,706, filed on August 1, 2003  
(d) \_\_\_\_\_ U.S. Patent No.: , issued

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

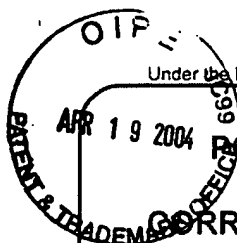
\_\_\_\_\_ day of \_\_\_\_\_, 2003

11<sup>th</sup> day of December, 2003

Signature of Inventor(s)

\_\_\_\_\_  
James D. Marks

Peter Amersdorfer  
Peter Amersdorfer



# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	10/632,706
Filing Date	August 1, 2003
First Named Inventor	James D. Marks
Title	THERAPEUTIC MONOCLONAL ANTIBODIES
Art Unit	1645
Examiner Name	Unassigned
Attorney Docket Number	407T-895120US

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:
**22798**

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name	Quine Intellectual Property Law Group, P.C.				
Address	P.O. Box 458				
Address					
City	Alameda	State	CA	Zip	94501
Country	United States				
Telephone	(510) 337-7871	Fax	(510) 337-7877		

I am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
**SIGNATURE of Applicant or Assignee of Record**

Name	Linda S. Stevenson, Manager, Patent Prosecution				
Signature	<i>Linda S. Stevenson</i>				
Date	1-19-04	Telephone	510- <del>6</del> 587-6000		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	Chianti Appling		
Signature	<i>Chianti Appling</i>	Date	4/12/04



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: James D. Marks, et al.

Application No.: 10/632,706

Filed: August 1, 2003

Entitled: THERAPEUTIC MONOCLONAL ANTIBODIES THAT NEUTRALIZE  
BOTULINUM NEUROTOXINS

The Regents of the University , a  
of California

University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

January 19, 2004  
Date

Linda S. Stevenson  
Signature

Linda S. Stevenson  
Typed or printed name

Manager, Patent Prosecution  
Title